

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

March 23, 2000

The Board of Education and the Board of Vocational Education met for the regular business meeting in Senate Room B of the General Assembly Building, located at 9th and Broad Streets in Richmond, Virginia, with the following members present:

Mr. Kirk T. Schroder, President
Senator J. Brandon Bell, Vice President
Mr. Mark Christie
Mrs. Audrey Davidson

Mrs. Susan L. Genovese
Mrs. Susan T. Noble
Mrs. Ruby W. Rogers
Senator John Russell

Dr. Jo Lynne DeMary, Acting
Superintendent of Public Instruction

Mr. Schroder called the meeting to order at 9:16 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Senator Russell gave the invocation and led the Pledge of Allegiance.

APPROVAL OF MINUTES OF THE MEETING OF THE BOARD

Mrs. Rogers made a motion to approve the minutes of the February 24 meeting. Copies of the minutes had been distributed previously to all members of the Board for review. The motion was seconded by Mrs. Noble and carried unanimously.

APPROVAL OF AGENDA

Mr. Schroder added the following to the agenda: *Consideration of the Revision of Charter for SOL Test Advisory Committee as Item E*. Mrs. Rogers requested that *Item K, First Review of the Proposed Basic Diploma for Special Education Students*, be moved up on the agenda to become *Item F*. Senator Russell made a motion to approve the amended agenda. The motion was seconded by Mrs. Noble and carried unanimously.

APPROVAL OF CONSENT AGENDA

The motion was made by Mrs. Rogers, seconded by Mrs. Noble, and carried unanimously for approval of the following items on the consent agenda.

- Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List
- Final Review of Recommendations Concerning Applications for Literary Fund Loans
- Final Review of Financial Report on Literary Fund

Final Review of Recommendations Concerning Release of Literary Fund Loans and Placement on Waiting List

The Department of Education's recommendation is that funds be released for 9 projects in the amount of \$39,125,495 and funding for 5 projects in the amount of \$30,826,100 be deferred and the projects placed on the First Priority Waiting List. These recommendations were accepted by the Board of Education's vote on the consent agenda.

COUNTY, CITY, OR TOWN	SCHOOL	AMOUNT
Martinsville City	Albert Harris Intermediate	\$7,500,000.00
Waynesboro City	Westwood Hills Elementary	5,000,000.00
Russell County	Lebanon High	600,000.00
Russell County	Castlewood High	250,000.00
Tazewell County	Graham Intermediate	1,500,000.00
Botetourt County	Greenfield Elementary	7,500,000.00
Madison County	Waverly Yowell Elementary	6,200,000.00
Hopewell City	Patrick Copeland	7,500,000.00
Carroll County	Oakland Elementary	3,075,495.00
	TOTAL	\$39,125,495.00

First Priority Waiting List

COUNTY, CITY, OR TOWN	SCHOOL	AMOUNT
Newport News City	Newport News Middle	\$7,500,000.00
Prince George County	Clements Middle	7,500,000.00
Spotsylvania County	Elementary No. 15	7,500,000.00
Prince George County	Walton Elementary	826,100.00
Franklin County	Franklin County High	7,500,000.00
	TOTAL	\$30,826,100.00

Final Review of Recommendations Concerning Applications for Literary Fund Loans

The Department of Education's recommendation for approval of 5 new applications in the amount of \$30,826,100 subject to review and approval by the Office of the Attorney General pursuant to Section 22.1-156 of the *Code of Virginia*, was accepted by the Board of Education's vote on the consent agenda.

Final Review of Financial Report on Literary Fund

The Department of Education's recommendation to approve the financial report on the status of the Literary Fund as of January 31, 2000 was accepted by the Board of Education's vote on the consent agenda.

RESOLUTIONS AND RECOGNITIONS

- Resolutions of Recognition were presented to the following:

Virginia's High School Principal of the Year, *Dr. Carol S. Cash*, principal, Lee-Davis High School, Hanover County Schools

Virginia's Middle School Principal of the Year, *Dr. Vera J. Blake*, principal, Falls Church High School, Fairfax County Public Schools

Virginia's Assistant Principal of the Year, *Mr. Kevin G. Bezy*, Building Administrator, Franklin County High School, Franklin County Public Schools

- Resolutions of Recognition were presented to the following students selected as members of the National High School Honors Orchestra:

Andrew Helgersen, James Madison High School, Fairfax County

Alexander Lee, Hermitage High School, Henrico County

Emily Rist, E. C. Glass High School, Lynchburg City

Allison Kennel, Charlottesville High School, Charlottesville City

Erin Koertge, Monacan High School, Chesterfield County

Benjamin Fox, Bethel High School, Hampton City

- Resolution of Recognition was presented to Robert Jarratt Spiers, Jr., Virginia Coordinator and Auditions Chairperson for the National High School Honors Orchestra.
- Resolution of Recognition was presented to *Mr. Brandon Akers*, student, VSDB-Staunton, regional winner in the Virginia Vocational Industrial Clubs of America Competition.

ACTIONS/DISCUSSION ITEMS

Election of President and Vice President of the Board of Education for 2000-2002

Section 22.1-10 of the *Code of Virginia* states that the Board shall elect from its membership a president to serve for a term of two years. The Board bylaws stipulate that the Board shall also elect one of its members to serve as vice president for a term of two years.

Mrs. Rogers made a motion to re-elect Kirk Schroder for President of the Board of Education for the 2000-2002 term. The motion was seconded by Mrs. Davidson and carried unanimously. Senator Bell made a motion to elect Susan Noble as Vice President of the Board of Education for the 2000-2002 term. The motion was seconded by Mrs. Davidson and carried unanimously.

Consideration of the Revision of Charter for SOL Test Advisory Committee

A resolution was presented to change the name of the Virginia SOL Test Advisory Committee to Accountability Advisory Committee of the Virginia Board of Education. Mrs. Rogers made a motion to adopt the resolution. The motion was seconded by Mrs. Davidson and carried unanimously. The resolution reads as follows:

**Resolution of the Virginia Board of Education
For The
Establishment and Operation of the
Accountability Advisory Committee of the Virginia Board of Education**

RECITALS

WHEREAS, on October 28, 1998, the Virginia Board of Education (the "Board") authorized its President to establish and appoint an advisory committee to convene and give advice and recommendations, from time to time, to the Board concerning the implementation and operation of the Standards of Learning Testing Program (the "Program"); and

WHEREAS, the Board of Education established a standing committee of the Board entitled the Standards of Learning Test Advisory Committee; and

WHEREAS, on February 24, 2000, the Board of Education deemed it appropriate to incorporate into the charter of the Committee the recommendations made to the Board by the Virginia Education Coalition; and

WHEREAS, the Board of Education now designates the name of the Committee to be the ACCOUNTABILITY ADVISORY COMMITTEE OF THE BOARD OF EDUCATION (the "Committee") which shall have as its purpose to serve in an advisory capacity to the Board on matters related to accountability for the public schools in the Commonwealth (the "Accountability Program"); and

WHEREAS, The Committee shall meet and operate within the scope of its authority and duties stated below.

ARTICLE ONE: PURPOSE

The Committee is hereby established as a standing committee of the Board for the sole purpose of advising and making recommendations to the Board on ways and means of improving the Accountability Program, from time to time, as the Committee deems appropriate. Subject to the terms and conditions of this Resolution, the Committee shall have the authority to review all procedures and operations of the Accountability Program. The Committee Co-Chairmen will present all recommendations to the Board at appropriate times during regular meetings of the Board. In addition, the Committee shall file an annual report to the Board. The Board has also established an advisory panel of test experts ("Test Experts Committee") to collect psychometric reliability and validity data from each test administration of the Program and to advise the Board on all matters concerning professional testing data from the Program. As such, the Committee will not have the authority to conduct, advise or otherwise act on matters pertaining to the Program's reliability and validity test data and instead, shall refer all such matters to the Test Experts Committee. Also, there are currently in existence, content review committees, comprised of teachers, educators and testing experts, to review all matters concerning the content of the tests offered in the Program. As such, the Committee shall not act on matters of content, but shall refer all such matters to the applicable content review committee with such information and comment as it deems appropriate. The Committee agrees that it will act only within the scope of authority expressly stated in this Resolution. All Committee members acknowledge, by virtue of their service on the Committee, that their authority with

respect to the SOL testing process is limited to the matters expressly stated in Article 1 of this Resolution. All Committee members also acknowledge, by virtue of their service on the Committee, their basic support for the Accountability Program and commitment to making the Accountability Program as productive and successful as possible.

ARTICLE TWO: MEMBERSHIP

Section 1. Composition. The Committee shall consist of twenty-one (21) members and two Committee Co-Chairmen. All initial members of the Committee and the Committee Co-Chairmen shall be appointed by the President of the Board and thereafter, all subsequent vacancies and appointments shall be made by the Board.

Section 2. Term of Membership. Every appointment to the Committee shall be for a term of three years, except that the initial appointments shall be established in three equal groups of members with an initial term of one year, two years and three years respectively in order to establish three separate classes of members with varied terms. No member of the Board shall be appointed to more than two consecutive three-year terms. Any member of the Committee may be removed by the Board, at any time, with or without cause.

ARTICLE THREE: MEETINGS

Section 1. Regular Meetings. The Committee shall adopt a tentative schedule for regular meetings for each applicable calendar year. Such schedule shall be subject to the change, alteration or adjustment by the Co-Chairmen, as they deem appropriate, to accommodate the operation of the Committee as is necessary.

Section 2. Special Meetings. A special meeting of members may be called by the Co-Chairmen in their sole discretion or upon the written request to the Co-Chairmen by eight or more members of the Committee. No business other than that specified in the notice of the meeting shall be transacted at any special meeting of the Committee.

Section 3. Place of Meetings. All meetings of the Committee shall be held in Richmond, Virginia, in order to accommodate the accessibility of data and information from the Virginia Department of Education.

Section 4. Adjournment. Any duly called meeting of the Committee may be adjourned to a later time and place, determined by the Committee members present at such meeting, whether such members constitute a quorum for transaction of business, provided that such time and place are announced at the meeting, and no other notice of the adjourned meeting shall be required.

Section 5. Voting Proxies. At meetings of the Committee, all members present shall be entitled to exercise voting rights on all matters. Members not present at a meeting shall not be entitled to vote by proxy.

Section 6. Notices of Meetings. Written notice stating the place, day and hour of any meeting of the members, and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be given not less than 10 days before the date of the meeting by or at the direction of the Co-Chairmen. A notice shall be deemed duly given to a Committee member when it is: (1) adopted by the Committee as part of its tentative regular meeting schedule and is not subsequently changed or altered or (2) delivered in person or mailed, postage-prepaid, to the address of such Committee member as it appears on the records of the Committee or (3) when it is sent via telecopier or electronic mail transmission to the telecopier number or electronic mail address of such Committee member, and the sender has received a confirmation message that such transmission has been received.

Section 7. Voting and Quorum. Each member of the Committee shall be entitled to one vote with respect to each matter voted on by the Committee. A majority of the members of the Committee shall constitute a quorum for the transaction of business. Except as expressly provided otherwise in this Resolution, the vote of a majority of the Committee members present at any meeting at which a quorum is present shall be the act of the Committee.

Section 8. Conflict of Interest. In any case where a member shall have a personal interest in a particular vote of the Committee, such member(s) shall excuse themselves from the vote of the Committee thereon.

Section 9. Waiver. Whenever any notice is required to be given under the provisions of law or this Resolution, a written waiver thereof, signed by the person or persons entitled to such notice and filed with the records of the meeting, whether before or after the time stated therein, shall be conclusively deemed to be equivalent to such notice. In addition, any member who attends a meeting of the Committee without protesting at the commencement of the meeting such lack of notice shall be conclusively deemed to have waived notice of such meeting.

ARTICLE FOUR: EXECUTIVE SESSIONS

The Committee may decide to go into executive session at any of its meetings in accordance with the laws of the Commonwealth of Virginia. Prior to meeting in an executive session, the Committee must adopt a motion to go into executive session. The Committee shall discuss only matters in an executive session as specified by the Virginia Freedom of Information Act or other applicable law. The Committee may take no final action on any item in executive session. At the conclusion of any executive session, the Committee must reconvene in public session and take a vote of the membership to come out of executive session.

ARTICLE FIVE: PROCEEDINGS OF COMMITTEE MEETINGS

All proceeding of the Committee meetings shall be as prescribed by Roberts Rules of Order.

ARTICLE SIX: AGENDA FOR MEETING

The Committee will have a published agenda for all regularly scheduled public meetings as set forth by the Committee Co-Chairmen.

ARTICLE SEVEN: COMMITTEE CO-CHAIRMEN

Section 1. Committee Co-Chairmen. The initial Co-Chairmen of the Committee shall be appointed by the President of the Board and thereafter, upon any expiration of term or vacancy of such positions, by the Board. It is the intent of the Board to have one Co-Chairman be an active professional educator in the Commonwealth and the other Co-Chairman be a present or past member of the Board or any other citizen of the Commonwealth. The Co-Chairmen shall each have individual voting rights on all matters before the Committee. However, the Co-Chairmen shall act in unanimous agreement and consent on all matters in the execution and carrying out of their joint office. No Co-Chairman can act on any matter pertaining to this joint office without the consent of the other Co-Chairman. The Co-Chairmen shall preside over meetings of the Committee and shall have all powers and duties as necessary to fulfill the role of chief executive of the Committee and its presiding officer and as may be, from time to time, conferred or prescribed by the Committee. The Co-Chairmen shall exercise supervision and direction over the Committee's goals and affairs and discharge all duties generally pertaining to such joint office as the Executive head of an organization of this character subject to the control of the Committee members.

Section 2. Other Officers. Additional officers may, in the discretion of the Committee, be elected from time to time to perform such duties and undertake such functions as designated by the Committee.

ARTICLE EIGHT: COMMITTEE OPERATIONS

Section 1. Official Papers. All official records of the Committee shall be kept on file in the Department of Education and shall be open to inspection.

Section 2. Test Security. The Committee and its members, at all times, shall conduct the highest standard of operation with respect to the maintenance of all test security and other matters of a sensitive or proprietary nature with respect to all aspects of the program.

Section 3. Superintendent of Public Instruction. The Superintendent of Public Instruction is hereby directed to provide all necessary staff support to the Committee in order to fulfill its duties herein.

ARTICLE NINE: AMENDMENTS

This Resolution may be altered, amended or repealed only by the Board after a first and final review has been completed in two separate meetings. The preceding requirement of a first and final review in two separate meetings may not be waived by the Board, unless such waiver is approved by every member of the Board.

ARTICLE TEN: MISCELLANEOUS

Section 1. Addresses. The addresses and/or telephone numbers used in any notice given under this Resolution shall be those appearing on the books of the Committee, and it shall be the individual member's responsibility to insure that the Virginia Department of Education has the correct address.

Section 2. Roberts Rules. Except as otherwise stated herein, all meetings of the Committee shall be governed by Roberts Rules of Order.

Section 3. Gender. All personal pronouns used in this Resolution, whether used in the masculine, feminine, or neuter gender, shall include all other genders, the singular shall include the plural, and vice versa, as the context may require.

Section 4. Copy to All Members. The Board hereby directs the Superintendent of Public Instruction to provide all Committee members with current copy of these bylaws and all amendments thereto.

The undersigned, being the duly elected President of the Virginia Board of Education, hereby certifies that the foregoing Resolution was duly adopted by its members as of the date and signature below.

Adopted: _____

President, Virginia Board of Education

Acknowledged by
Committee Co-Chairmen:

Recognition

Mr. Christie recognized Senator John Woods, former chairman of the Senate Education and Health Committee, and a supporter of the Standards of Learning.

First Review of the Proposed Basic Diploma for Special Education Students

Mrs. Rogers, chair of the committee, presented this item. At the February 24 meeting, the Board of Education approved the concept of a basic diploma as an additional diploma option for students with disabilities. The committee prepared recommendations for Standards of Accreditation language relative to this diploma option. The committee will continue to address non-SOA issues for implementation of the basic diploma. Recommendations stemming from these meetings will be presented to the Board at its May meeting. The Board accepted the report.

First Review of Increased Graduation Requirements Grandfathered Under the Accrediting Standards for Public Schools

The Standards of Quality for Public Schools (SOQ) in '22.1-253.13:4 of the *Code of Virginia* require local school boards to award diplomas to all secondary school students who earn the units of credit prescribed by the Board of Education, pass the prescribed literacy tests and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. In addition, the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* adopted on September 4, 1997, include a provision that requires Board of Education approval of all additional requirements above those prescribed in the standards. Those standards further stipulate that local school boards that had increased requirements in effect as of June 30, 1997, would be granted approval through June 30, 1999. A listing of school divisions that have sought and received approval of the Board under those provisions is found in Attachment A.

A survey of school divisions in early 1998 revealed that a number of school divisions had increased requirements for graduation in earlier years without having secured approval from the Board. The survey did not result in definitive information on what specific course requirements had been implemented by local school boards. At the direction of the Board, another survey was conducted to ascertain the specific additional increased requirements that had been implemented in local school divisions and Governor's Schools that exceed those prescribed by the Board. The grandfathered requirements approved by the Board in May 1999 are found in Attachment B.

Mrs. Noble made a motion to grandfather graduation requirements for another year. The motion was seconded by Mrs. Rogers and carried unanimously.

First Review of Requests for Approval of an Experimental or Innovative Program Involving Opening Prior to Labor Day

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, in 8 VAC 20-131-290, permit local school boards to seek approval to implement experimental or innovative programs that are not consistent with accreditation standards or other regulations promulgated by the Board and allows waivers of some Board regulations. The request must include information that includes, but is not limited to, the purpose and objectives of the program, a description of the program, number of students affected, anticipated outcomes and evaluation procedures for measuring student achievement. The approval may be granted for up to five years. Waivers of student academic achievement expectations, graduation requirements, instructional programs and school accountability requirements may not be granted. In addition, waivers of the requirements of the Standards of Quality cannot be granted.

Section 22.1-79.1 of the *Code of Virginia* prohibits local school boards from adopting school calendars that require schools to open prior to Labor Day unless a waiver is granted by the Board for "good cause." The conditions under which the Board may grant such waivers are outlined in the *Code*. Part 3 of '22.1-79.1 permits the Board to approve a waiver from the requirements of this *Code* provision if the division secures approval of an experimental or innovative program for an instructional program offered on a year-round basis by the school division in one or more of its elementary, middle, or high schools. The waiver is restricted to those individual schools housing the program.

The Board has adopted the following definitions for experimental and innovative programs: (1) An experimental program shall be a program which is operated under controlled circumstances and which is designed to test and to establish, by objective measures, the positive cognitive effect of an educational theory. (2) An innovative program shall be a program shown to produce a positive educational effect but which does not meet standard operating or procedural requirements.

Mr. Schroder abstained from this issue because his law firm has provided legal counsel to the Virginia Hospitality and Travel Association. Mr. Christie also abstained for similar reasons. Mrs. Noble presided on this issue.

Mr. Charles Finley, Assistant Superintendent for Accountability, Department of Education, presented requests from six school divisions that wish to open some schools prior to Labor Day and operate on a year-round schedule. Mrs. Davidson made a motion to waive first review. The motion was seconded by Senator Russell and carried unanimously. Mrs. Davidson made a motion to accept the recommendation to approve the innovative programs and Pre-Labor Day opening waivers. The motion was seconded by Mrs. Rogers and carried unanimously.

Dr. DeMary reported that Mr. Finley has assumed the responsibility of Assistant Superintendent for Accountability. The Board congratulated Mr. Finley.

First Review of a Proposal to Establish the Jackson River Governor's School to Serve the Counties of Alleghany Highlands, Bath, Botetourt, and Rockbridge; the Cities of Buena Vista, Covington, and Lexington

Dr. Barbara McGonagill, specialist, Governor's Schools and Gifted Education at the Department of Education, Dr. Terry King, dean of instruction at Dabney Lancaster Community College, and Dr. Susan Rollinson, coordinator, Jackson River Governor's School presented this item to the Board.

The proposed Jackson River Academic Year Governor's School would serve juniors and seniors attending the following high schools: Alleghany High School, Bath County, James River High School (Botetourt County), Covington High School, Parry McClure High School (Buena Vista), and Rockbridge County High School.

Senator Russell made a motion to waive first review. The motion was seconded by Mrs. Genovese and carried unanimously. Mrs. Davidson made a motion to adopt the approval of the proposal. The motion was seconded by Senator Russell and carried unanimously.

First Review of Proposed Amendments to Virginia's Pupil Accounting Regulations (8 VAC 20-110-10 et.seq.)

The Department of Education identified this regulation as needing revision during the 1995 review of agency regulations directed by the Allen administration. Subsequently, this regulation was identified by the firm of KPMG Peat Marwick as a major barrier to replacement of student information software needed by local school divisions. In July 1999, the Board of Education authorized the department to begin the APA process to amend this regulation. No comments were received during the NOIRA public comment period. The proposed amendments to Virginia's pupil accounting regulations have been prepared and reviewed by department staff.

This regulation will not eliminate requirements for submission of certain student information items to the department, localities will be permitted to record and maintain student information in the manner each may deem appropriate or best. This revision will permit school divisions to purchase and use "off the shelf" software products without the need for costly modification to replicate previously mandated methods of collecting student attendance and membership data. This amendment will also permit school boards to approve students' absence from school for participation in activities and events deemed appropriate.

Mr. Christie made a motion to adopt the proposed amendments to Virginia's pupil accounting regulations for public comment and for transmittal to the Secretary of Education, Attorney General and Department of Planning and Budget. The motion was seconded by Senator Russell and carried unanimously.

First Review of the Feasibility of Designating Additional Seals for the High School Diploma

During the February 24 meeting of the Board, it was requested that a committee be appointed to develop a proposal regarding seals for diplomas. A committee, chaired by Mrs. Davidson, met to discuss the feasibility of additional diploma seals. The committee discussed: (1) The current requirements in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA); (2) The proposed SOA revisions in the APA version dated October 7, 1999; and (3) General Assembly legislation mandating diploma seals in vocational studies and advanced mathematics and technology.

The committee recommended that the Board maintain the two seals currently required by the SOA and add the new seals required by the General Assembly. The seals recommended by the committee include the following: (1) the Governor's Seal; (2) the Board of Education's Seal; (3) the Career and Technical Education Seal (this is a name change for the vocational seal; and (4) the Advanced Mathematics and Technology Seal.

Mrs. Davidson made a motion to adopt the recommendations and that they are included in the second draft of the SOA. The motion was seconded by Senator Russell and carried unanimously.

First Review of the Proposed School Based Index

At the Board's request a committee, chaired by Mrs. Noble, met to develop a school-based index consisting of each school's dropout rate, free and reduced lunch participation, and a teacher survey. The survey is to identify the level of available support and resources provided to teach the SOL. It was requested that the survey be anonymous and on-line. The committee will meet again in early April and should have a final proposal so that this information can be included in the School Report Card this year. The Board accepted the report.

Report on the Budget Actions of the 2000 General Assembly

This item will be presented at the April meeting of the Board.

PUBLIC COMMENT

The following person spoke during the public comment:

Roxanne Grossman

DISCUSSION OF CURRENT ISSUES

There was no discussion of current issues.

ADJOURNMENT

There being no further business, Mr. Schroder adjourned the meeting of the Board of Education and the Board of Vocational Education at 11:10 a.m.

President

Secretary of the Board